

they banned it. After that, we called them and had a discussion with them that this sanitary and Phytosanitary Agreement or the arrangements made under it, as the hon. Member has mentioned, should not be because a non-tariff barrier. So, we were very careful. Then, we finally agreed to certain type of standards, very transparent standards. So, we have got a two-tier system wherein every product should be checked and verified, double-checked. If somebody does not follow these standards, we will definitely take action against him because our exporters should maintain these standards.

**SHRI V. V. RAGHAVAN:** Mr. Chairman, Sir, the multinational companies are engaged in deep-sea fishing in our waters, process the catch in their ships and export it from there. That adversely affects our export earnings and also the vital interests of our traditional fishermen. I would like to know from the hon. Minister as to what steps he is going to take to prohibit these kinds of activities by the multinational companies.

**SHRI MURASOLI MARAN:** Sir, if the multinational companies' vessels enter into our territory, naturally we take action. But there are some multinational companies which are registered in India; we cannot prevent them.

#### **Rationale for Cutoff year for regularising unauthorised colonies**

**\*204. SHRI RAMA MUNI REDDY SIRIGIREDDY:†**  
**DR. C. NARAYANA REDDY:**

**Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVIATION be pleased to state:**

(a) the rationale for fixing 1993 as the cutoff year for regularising unauthorised colonies in Delhi;

(b) whether Government are aware that it would put a pressure on civic infrastructure in the Capital; and

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† The question was actually asked on the floor of the House by Shri Rama Muni Reddy Sirigireddy.

(c) whether there are any plans to augment the civic facilities within a timeframe?

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI JAGMOHAN): (a) to (c) A Statement is laid on the Table of the house.

(a) to (c) In June 1993, a proposal was received from the Government of National Capital Territory of Delhi for regularisation of unauthorised colonies that had come into existence before March 31, 1993. The cut-off date was based on the aerial survey conducted by the said Government during March, 1993. Soon thereafter, a public interest writ petition was filed by the Common Cause in the Delhi High Court against this proposal/recommendations. The High Court, in its interim orders, stayed action or decision by the Government for regularising these colonies.

On the directions of the Court, a High Powered Committee headed by Secretary, Ministry of Urban Development was constituted to go into the entire gamut of issues on unauthorised colonies. On the basis of the report of this Committee, the High Court asked the Government to submit its view to the Court in respect of regularisation of the colonies and the terms and conditions on which such regularisation could be done. After consulting all the local authorities including the Government of National Capital Territory of Delhi, a draft proposal was prepared. This proposal was sent to the Delhi Government and the Government of Delhi conveyed its agreement to the draft proposal in October, 1999. Thereafter, the Government of India formulate its views and these views are being submitted to the High Court through an affidavit.

The Government are aware that existence/regularisation of these colonies would put pressure on the civic infrastructure of the capital..

There are plans to augment civic facilities by way of levying development charges on the plot/house owner and to use the amount thus collected for provision of civic services in these colonies. No time-frame can be indicated at this stage because such a time-frame would depend upon the final order that the Delhi High Court may

pass in the case and the pace of payment of the development charges by the plot/house owner.

**SHRI RAMA MUNI REDDY SIRIGIREDDY:** Mr. Chairman, Sir, in the answer the Minister has stated that the Government are aware that existence/regularisation of these colonies would put pressure on the civic infrastructure of the capital. In view of the regularisation of the unauthorised colonies, there may be scarcity of funds, for the civic authorities to enhance facilities. the existing facilities are already under strain. Unhygienic conditions, water scarcity and power scarcity are rampant. I want to know whether the Central Government provides separate funds to the civic authorities or not. If not, the reasons thereof.

**SHRI JAGMOHAN:** On unauthorised colonies, there is no separate fund to be given by the Central Government because all such colonies are required to be developed by the colonizer or the co-operative society of the plot-holders. For doing so, they have to get the sanction plan from the local authorities, both the layout plan and the service plan. These colonies have been built or developed without getting the sanction for the layout or, service plan. Now, when the decision to regularise such colonies is taken, it is also stated that they will have to pay the development charges. This is one of the conditions of regularisation. And in this case, in the case of colonies which have come up prior to 1993, the development charges have been fixed at an estimated cost of Rs. 514 per sq. metre; Rs. 269 per sq. metre towards general charges and some towards water and electricity charges. So, these rates are fixed; and in this particular case the matter is before the High Court. Because when some statement was made by the Delhi Government at that time that these colonies were proposed to be regularised, a Public Interest Litigation was filed; they filed a writ petition saying that these colonies should not be regularised. The Government's view was sought by the High Court; we have communicated our views to the High Court. The final decision in the matter rests with the High Court.

**SHRI RAMA MUNI REDDY SIRIGIREDDY:** Mr. Chairman, Sir, the Minister has stated that no time-frame can be indicated at

this stage because such a time-frame would depend on the final order of the court. I would like to know from the hon. Minister as to how many colonies have so far been regularised and how many colonies the Ministry has identified as unauthorised in Delhi. My second question is: When is the Government going to prepare the Delhi Master Plan? The hon. Minister may also enlighten the House whether it is true that giving directions would not come under the jurisdiction of the Union Urban Development Ministry, on issue relating to building plans; that it is vested only with the MCD. My last part is, there are many unauthorised constructions going on, under your nose, in Gautam Nagar—behind AIIMS - Lajpat Nagar, Munirka, etc. What action has the Ministry taken to demolish the unauthorised constructions in all these areas?

**SHRI JAGMOHAN:** So far as this last question regarding the demolition of unauthorised constructions is concerned, the hon. Member must be aware that these days there is a lot of reporting in the press that a special drive has been launched by us to rid the city of these unauthorised constructions. A lot of action has been taken under this drive. Not only demolition, but prosecutions are also being launched. If you want the figures, I will give the figures for the period 1st January to 30th June or 15th July even. It is the duty of the Central Government to ensure that the Delhi Master Plan is implemented and all the bye-laws are part of the Delhi Master Plan. It is our duty and we are trying to enforce it. In this particular case, the High Court itself has passed orders that if any unauthorised construction is done, it will pass an interim order. It is against the order if anybody does it. Action against the defaulter can be taken, apart from under the bye-laws, under the Contempt of Court Act. So, there is strong machinery which has been set in motion. I agree that prior to that, a lot of relaxity was there. That is how this unauthorised construction was done. But this Government is determined to ensure that a planned development of Delhi takes place and all the laws and bye-laws of the Delhi Master Plan and the municipal regulations are compiled with. So far as the point of issuing of directions is concerned, as I have indicated before, it is the duty of the Government to implement the Delhi Master Plan. To ensure that

the Master Plan is implemented, we can issue all those directions. In accordance with the provision of the Act, to ensure that the Master Plan is implemented, the Central Government have the right to issue directions even under the Delhi Municipal Corporation Act.

**SHRI GHULAM NABI AZAD:** Sir, a large number of colonies were regularised in 1976-77. I would like to know; will the hon. Minister consider regularising these colonies also on the basis of the 1976 terms and conditions? Part (b) of my question is, so far as the regularisation of the colonies is concerned, the cut-off date has been fixed as 1993, Since a large number of colonies have come up even after 1993, will the hon. Minister also consider regularising these colonies and fixing the cut-off date as 1998, as against 1993. Part (c) of my question is, will the hon. Minister reduce the penalty and not charge any money against the land if, as I said in part (a) of my question, the regularisation of these colonies is done on the basis of the 1976 terms and conditions.

**SHRI JAGMOHAN:** It is true that some colonies were regularised in 1977. A total of 607 colonies were regularised at that time. So far as the present case is concerned, as I have indicated earlier, this case is before the High Court. a litigation is going on in the High Court and the High Court has issued an order that no more constructions should be made; and also asking the Government to give its views. The Government have given only the views. Now, it is for the High Court to decide whether the terms and conditions will be the same as that of 1977 or the terms and conditions which various authorities have placed before the High Court. So, it is the High Court which has to take the final decision on both, regarding the terms and conditions on the basis of which regularisation will take place, or whether at all the regularisation will take place because the contention of the other party is that all these people are land and mafia people; they are doing illegal constructions; they are violating all laws; therefore, how can these colonies be regularised? The High Court will have to consider these issues *in toto* before coming to a conclusion. The High Court has also passed interim orders saying that strong action should be taken not only against the illegal builders but also against all those who are conniving. It has also said that action

should be taken against all those officials who are not doing their duties properly or effectively. The High Court has issued strong directions and we are also trying to see that this city does not become a graveyard of unauthorised constructions. The people should respect law. We should not undermine the moral calibre of the people by giving some sort of indirect encouragement to illegal builders. This should be stopped.

**SHRI R.K. ANAND:** Sir, there are 1400 colonies which are sought to be regularised. And during 1993—2000, a number of colonies have come up. They could not have come up in one day or two days. They must have come up over the years. I would like to know from the hon. Minister if any action is being taken against any official of the Government as to how these colonies are coming up on the public land, since it is very essential to do so.

**SHRI JAGMOHAN:** This is what I am saying, that a special drive has been launched by the Government. In this drive, all illegal constructions that are not the subject-matter before the High Court are being proceeded against and demolitions are going on, whether they are on public land or on private land. In the case of public land, there is a little more action in the sense that you can also re-enter on the property. But so far as private land is concerned, action can be taken under the Municipal bye-laws or under the Master Plan Bye-laws. So, action is being taken effectively and some cases have been referred to the CBI for taking action. If during its investigations, it finds that these are the officials who have connived or these are the elements who are responsible for it, they can be prosecuted.

**DR. SHRIMATI JOYASREE GOSWAMI MAHANTA:** Sir, ...

**MR. CHAIRMAN:** Is your question related to Delhi?

**DR. SHRIMATI JOYASREE GOSWAMI MAHANTA:** Yes, Sir. I would like to know whether there is any detection policy for those colonies which have come up after March 31, 1993; and whether any policy has been chalked out by the Government to detect the unauthorised residents who are living in these unauthorised colonies which are scattered all over Delhi. Sir, I am afraid that among these unauthorised people, some foreign nationals are also

living there who indulge in criminal activities, the news about which appears from time to time in various newspapers all over Delhi. I would like to know whether the Government is aware of it. I would also like to know as to how many such detections of unauthorised colonies have taken place so far. And also how many detections which are related to the number of unauthorised people who are living in these unauthorised colonies have taken place so far. I suggest that the Home Ministry should look into this matter, in consultation with the Ministry of Urban Development. Only then I think the process will be quicker and easier and, at the same time, effective.

**SHRI JAGMOHAN:** Sir, I think the hon. Member is referring to the phenomena of *jhuggi-jhonpri* which have come up on public land and on which some foreign nationals are also reported to be staying. Sir, the scheme which is related to *jhuggi-jhonpri* is a different scheme. What I was referring to is related to the unauthorised colonies where a building is put up by the colonizers. So far as squatting on public land is concerned, there is a separate scheme; and as I have already said, there are seven major parts of the drive that I have launched; one of them is the resettlement of squatters on public land which is with the Government. Under this scheme, from 1st August onwards, more than 12,000 families—a population of 60,000—have resettled during the last six months in various colonies which have been developed by us with all the organised layout and with all such facilities like water, electricity, sewer, roads, schools, playgrounds, etc. Sir, a population of 60,000 has already been settled in Nerela, Tikri and such other colonies. The idea is that all this haphazard development or squatting should stop and the people should come and settle in a properly planned colony; this is part of that drive. While resettling these people, we ensure that alternative accommodation is given only to Indian nationals; during the course of detection, if it is found that there are foreign nationals, they are not entitled and the case is taken over by the Police which takes proper action under the laws which are administered by the Police, and not by the Ministry of Urban Development.

**SHRI RAVI SHANKAR PRASAD:** Sir, in Delhi, there are

many authorised colonies which are having basements and which are being used by many professional, like lawyers, journalists, etc. Does the minister contemplate to take any action against these people? And if there is some technical violation, does the minister propose to condone it?

**SHRI JAGMOHAN:** Sir, so far as the professionals are concerned, if a professional himself is living there, subject to certain limitations, he can use any portion of the building—25% or some portion of the FAR of that building—for his professional work. Therefore, if a professional is living there and if he is using a part of the basement, instructions have already been issued not to disturb it, and no action is being taken against them. But the basement cannot be used for rental purposes or for commercialisation and so on.

**SHRIMATI AMBIKA SONI:** Sir, the Minister has made one categorical statement that only the building mafias are involved in all these unauthorised colonies and action must be taken against them. Sir, on paper, this sounds very easy. Would the Minister consider some kind of *insaniyat* parameters for dislodging those people who have lived in these shacks for over 10, 20 or 30 years? Secondly, the Minister has fixed a rate for regularisation which is far beyond the capacity of these people who live there. Would the minister consider the land acquired by Government—for which compensation to the original owners has not been paid—as private land? Secondly, the Minister has talked of giving alternate accommodation to those being uprooted. I would like to remind, and make the Minister recall the area he has visited very recently, where he has resettled some people who have been disrupted. A number of complaints he heard. How unhappy those people were! They were picked up from the areas where they had been working and living for years and put in an area without any civic amenity, without any transport facility! Wouldn't the Minister consider it an *insaniyat* level parameter to first give them the facility, provide them the civic facility, and then uproot them?

**SHRI JAGMOHAN:** Madam, I invite you to go and visit Narela with me. I invite you. It is because of this *insaniyat* that I have taken

them there and resettled them. Previously, they were living on the *ganda nala*. For the last 15 years, nobody took care of them! And they were the product of disease breeding; no defecation system; open defecation; no latrines. Where they were cooking, they were living. You go and see any of those colonies today. These are 1,100 colonies where they are leading absolutely an animal type of life; no water; no electricity; no sewer; no future for employment. You come with me and I will show you that 40 per cent of the land is kept open. And without visiting them, people should not make comments! You are all in this House. Sixty thousand people were settled, and people don't know! If they had not been willingly going, nobody would have done it! No Administration. No force has been applied. ....(*Interruptions*)..... Come with me. I am giving you an open offer. Come with me. See both the things—the pre-resettlement site and the post-resettlement site. You see these things. And you see a lot of Press comments in which they have praised this. They have said, "A lot of people are resettled, and all those people who have not gone there are now competing, 'please send us there quickly'." Sir, it is because they want to get resettled there. They are getting loans; they are getting houses. I will show you the picture which tells you how many houses have come up within a short time. This is not correct....(*Interruptions*)....

SHRIMATI AMBIKA SONI: It is better to speak to those whom we are meeting and interacting with.

SHRI JAGMOHAN: Yes, yes; any time. I am giving you an open offer. ....(*Interruptions*)..... I am giving an open offer, and you see the things there. For the first time, a loan to the extent of Rs. 25,000/- has been extended. A police chowki has been fixed; a dispensary is being built; Rs. 6 crores have been sanctioned by me for putting up schools. I am giving them the future. And Madam, you yourself were there in 1976. ....(*Interruptions*)....

SHRIMATI AMBIKA SONI: Yes, I was there.

SHRI JAGMOHAN: You see the record. You tell me which Government has spent even a single penny, during the last 15 years, for them.

**SHRIMATI AMBIKA SONI:** Sir, it is because I was with you in 1976 that I had learnt my lessons.....(Interruptions).....

**SHRI JAGMOHAN:** Rs. 6 crores have been sanctioned. ....(Interruptions).... Six crores of rupees have been sanctioned. ....(Interruptions).... Six crores! And all these people have been resettled. Therefore, I did not expect you to say so.

**SHRIMATI AMBIKA SONI:** No, no, no. Sir, you can't say so. Sir, I am sorry, you can't say so. ....(Interruptions)....

**SHRI JAGMOHAN:** The issue is this. ....(Interruptions).... Just imagine the land worth several crores of rupees. ....(Interruptions)...

**SHRIMATI AMBIKA SONI:** Sir, just providing them land or water is not enough. Just providing them loan facilities is not enough. How many of them are in a position to take those loans? How many of them are in a position to pay back those loans?

**SHRI JAGMOHAN:** I will explain, Sir. ....(Interruptions)... Sir, the Member should understand that the land is worth several crores of rupees....(Interruptions).... The market value of that land is several crores of rupees. All those people have been resettled there. These people are now the owner of that property in the Capital. They and their children will remain, forever, the owner of that property. And they are now seeking employment. For employment, along with this Narela, I am also establishing the Narela industrial town. ....(Interruptions).... They are all skill-oriented individuals. ....(Interruptions)....

**SHRIMATI AMBIKA SONI:** Sir, we take the offer of the Minister. ....(Interruptions)..... Sir, we take the offer of the Minister to take a team of the Members of the House and interact with the people who have been uprooted. I take that challenge. ....(Interruptions).... Sir, the second part of my question has not been answered. ....(Interruptions).... About the Government acquired land, compensation is not being paid. ....(Interruptions)....

**श्री सतीश प्रधान:** बहुत अच्छा काम किया है आपने, हम आपका अभिनंदन करते हैं ....(व्यवधान)

MR. CHAIRMAN: Just one minute. The hon. Minister has already offered that he is prepared to take a team of Members of Parliament to those areas, and along with it, ....(Interruptions).... That would be the best thing to do.

SHRI JAGMOHAN: I will take them to both the areas, from where they are being taken, and where they have been taken, and we will draw a comparative picture. ....(Interruptions)...

SHRIMATI AMBIKA SONI: People have been uprooted. ....(Interruptions).... We will ask the people who have been uprooted.

SHRI JAGMOHAN: Every day, you see the picture. People who are now living on the banks of Yamuna, every day they are shifted. Everywhere they live in a most miserable condition. It is from such a conditon that I am relieving them. (Interruptions)....

MR. CHAIRMAN: That is a good offer. (Interruptions)...

SHRIMATI AMBIKA SÓNI: You have not answered the other part of my question. (Interruptions)...

MR. CHAIRMAN: Shri B.P. Singhal.

SHRI JAGMOHAN: The hon. Member wants to know also about the private colonies. She has mentioned about the land and building, the mafia and the rates which are being charged. I have already indicated that those people who have occupied and built these lands illegally have to pay the developmental charges. The developmental charges have been fixed keeping in view the actual cost involved. If those people do not pay, it is the poor taxpayer who will have to pay for them. It will be the poor people who will have to pay for them. These are the land and building mafia and behind them there is a lot of vested interests. We are aware of it. If you ahve to pay the developmental charges. ....(Interruptions)...

SHRIMATI AMBIKA SONI: How much mafia is there?

Why don't you give the names of those mafia against whom action has been taken? (*Interruptions*)...

SHRI JAGMOHAN: It is the actual fact. Otherwise, these squatters would not have come into being.

MR. CHAIRMAN: I think when you go with the Minister, he will tell you everything.

SHRI B.P. SINGHAL: Sir, you have called my name. Sir, in the past the practice has been that these people, these squatters, who have been allotted land, sell it and get back to the jhuggies. Has the Minister made any arrangements to computerise it? (*Interruptions*)...Just one minute, Sir. Let me complete my question. I would like to know whether a list has been made to check whether they are staying there. The best way of checking is to go to the postman, who delivers the mail, whether the mail is coming in the name of the person. Has the Minister had any contract with these persons before they were allotted the land that they would not change this land or hand over this land to anybody else, even free?

SHRI JAGMOHAN: Sir, under the terms and conditions they cannot alienate these lands. A regular flying squad has been constituted to check. It is because of this comprehensive resettlement scheme that nobody will now think of going back and they are now building or putting up pucca houses themselves by taking loan or otherwise. So, there is no such question.

Secondly, in the area from where they are removed, immediately development works take place. In all those areas from where they have been removed, development work has been carried out, either building projects are coming up or parks are coming up or roads are coming up. All those developmental works are going on. There is no scope for them to come back to those sites because those areas have now been developed and fenced simultaneously. There is usual news in the Press that there is demolition and bulldozing. It is not bulldozing. It is only after the clearance that those sites are bulldozed and the areas are developed.

DR. RAJA RAMANNA: Mr. Chairman, Sir, I want to bring

to the attention of the Minsiter that, as you travel from Delhi to Jaipur or Delhi to Chandigarh, all along the slums are increasing at such a rate which is unbelievable. Everybody has spoken already about it, but I want to bring to his attention taht the slums are now moving on to the railway lines. From the security point of view, it is a very dangerous thing. It is not that a small area has been occupied. People have began to occupy miles and miles along the railway lines as though it was part of the urban site. I think there should be some commitment both on the part of the Railway Minister and the Urban Development Minsiter to protect Delhi which is already a semi-terrorist area and where occasiosnally bombs go off. The Home Minister has to take some steps to protect the trains before the situation becomes impossible.

SHRI JAGMOHAN: Sir, there is already a scheme which has been formulated by me in consultation with the Railway Minister for resettling all those who are occupying the lands along the railway tracks. The scheme has already been formulated and priority has been given to those areas where there is security risk and where frequent accidents are taking place. The priorities have been worked out. In the last fifteen years no action was taken. This squatting has gone on in such a massive scale that the problem, as you all know, has become unmanageable. A lot of effort is being made to retrieve the situation, to put the city on the correct path. As part of that drive these squatters who are on the railway line or along the railway line will be resettled at the appropriate site, within an organised lay-out, where water, electricity, sewer and everything will be provided and their future will be better.

श्री एस० एस० अहलुवालिया: सभापति महोदय। अनआ॒थराह्ष कालौनीज को  
.....(व्यवधान)

MR. CHAIRMAN: Question Hour is over.